

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

SOUTHERN STAIRCASE OF NORTH
CAROLINA, INC., a Georgia corporation,

Plaintiff,

v.

CHARLES P. BROWN and WILLIAM
DAVIS,

Defendants.

CIVIL ACTION FILE NO.: 3:07-cv-00471

**CONSENT ORDER GRANTING PLAINTIFF'S MOTION
FOR A TEMPORARY RESTRAINING ORDER**

This lawsuit involves claims for breach of restrictive covenants contained in Defendants' Employment Agreements, violation of North Carolina's Trade Secret Protection Act, conversion, tortious interference with contractual relations, tortious interference with prospective contractual relationships, conspiracy, violation of North Carolina's Unfair Trade Practices Act and unjust enrichment.

Plaintiff Southern Staircase of North Carolina, Inc. pursuant to Federal Rule of Civil Procedure 65(b) moved for a temporary restraining order restraining and enjoining Defendants Brown and Davis from certain activities. A hearing on Plaintiff's Motion for a Temporary Restraining Order was scheduled by the Court for October 9, 2007 at 11:00 a.m.

The parties, through their respective counsel, have agreed to forego a hearing on Plaintiff's Motion for a Temporary Restraining Order and consent to the following temporary injunctive relief without prejudice.

The Court being fully advised, hereby ORDERS a Temporary Restraining Order issue as follows:

1. Defendant Brown and Defendant Davis and their agents, representatives and/or employees are hereby enjoined from directly or indirectly soliciting Southern Staircase's customers and/or prospective customers as defined in Defendant Davis' Employment Agreement, including but not limited to, St. Lawrence Homes, Niblock Homes, Beazer Homes, John Wieland Homes and Shea Homes.

2. Defendant Brown and Defendant Davis, and their agents, representatives and/or employees, are hereby enjoined from directly or indirectly selling stairs and/or providing stair installation services to any of Southern Staircase's customers and/or prospective customers as defined in Defendant Davis' Employment Agreement, including but not limited to St. Lawrence Homes, Niblock Homes, Beazer Homes, John Wieland Homes and Shea Homes.

3. Defendant Brown and Defendant Davis and their agents, representatives and/or employees are hereby enjoined from directly or indirectly utilizing and/or disclosing in any manner Southern Staircase's confidential information and/or trade secrets.

4. Defendant Brown and Defendant Davis and their agents, representatives and/or employees are hereby enjoined from destroying any documents or property in any form belonging to Plaintiff or containing Plaintiff's confidential information and/or trade secrets.

5. Defendant Davis and Defendant Brown are hereby enjoined from directly or indirectly soliciting and/or employing any of Southern Staircase's employees or independent contractors utilized by the Company at the time of Defendant Davis and Defendant Brown's departure or in the one hundred eighty (180) days prior to their resignations.

6. Plaintiff is to post a bond in the amount of \$5,000 as security for the injunctive relief ordered herein as required pursuant to Federal Rule of Civil Procedure 65(c).

7. This Restraining Order shall remain in full force and effect until a hearing can be held on Plaintiff's Motion for a Preliminary Injunction.

It is so ordered.

Signed: November 9, 2007



Graham C. Mullen
United States District Judge



WE SO CONSENT:

/s/J. Michael Honeycutt

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